



PATENT

Attorney Docket No. 87711  
Client Ref. No. P3P99022US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SEIJI MOTOJIMA, ET AL.

Application No. 09/403,894

Filed: October 26, 1999

For: METHOD AND APPARATUS FOR  
MANUFACTURING CARBON FIBER  
COILS

Customer No. 20350

Confirmation No.

Examiner: Stuart L. Hendrickson

Technology Center/Art Unit: 1754

DECLARATION OF  
JUSTIN K. EMERSON IN SUPPORT OF  
RENEWED PETITION FOR REVIVAL  
OF UNINTENTIONALLY  
ABANDONED PATENT APPLICATION

I, Justin K. Emerson ("Emerson"), declare as follows:

1. I am employed by Townsend & Townsend & Crew of San Francisco, California, ("TTC"), as a docketing assistant since April 2004.
2. I prepared a copy of TTC's Patent Management (View Only) - Docket Edit for the above-captioned case (Exh. J) and the Docketing Module - Edit Date for the above-captioned application (Exh. K) from TTC's docketing database.
3. TTC docketed incoming Office Actions and other official communications from the USPTO which require that a particular action in a given case be taken, including the date when the action is due.
4. Advisory Actions are noted but not docketed by TTC because by themselves they do not trigger a date on which a particular action needs to be taken.
5. TTC received the Advisory Action of November 25, 2003 (Exh. D), which is reflected by the entry in the Docketing Module (Exh. K).

6. The Advisory Action of November 25, 2003 (Exh. D) does not appear on TTC's Patent Management (View Only) - Docket Edit (Exh. J) because it does not trigger a date on which an action in this case needs to be taken.

I declare under the penalty of perjury that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, having been warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 USC §1001, and may jeopardize the validity of this application or any patent resulting therefrom.

Dated: \_\_\_\_\_

3/28/2008

\_\_\_\_\_  
Justin K. Emerson

61323732 v1



PATENT

Attorney Docket No. 87711  
Client Ref. No. P3P99022US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

SEIJI MOTOJIMA, ET AL.

Application No. 09/403,894

Filed: October 26, 1999

For: METHOD AND APPARATUS FOR  
MANUFACTURING CARBON FIBER  
COILS

Customer No. 20350

Confirmation No.

Examiner: Stuart L. Hendrickson

Technology Center/Art Unit: 1754

DOCUMENTS IN SUPPORT OF  
RENEWED PETITION UNDER  
37 CFR 1.137(b) FOR REVIVAL OF  
UNINTENTIONALLY ABANDONED  
PATENT APPLICATION NO. 09/403,894  
FILED OCTOBER 26, 1999

San Francisco, CA 94111  
March 28, 2008

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following chronologically lists the events that ultimately led to the abandonment of this application and which demonstrate that the abandonment was entirely unintentional.

**(Exhibit A)**  
November 12, 2002

In a non-final Office Action (copy attached as Exh. A), claims 19, 24 and 25 were allowed, claims 26-28, 30, 32 and 36 were rejected, and claims 29 and 31 were held to be directed to allowable subject matter but were objected to because they depended from rejected parent claims. In response to this Office Action, Kevin T. Lemond (Lemond), then a partner of Townsend & Townsend & Crew ("TTC"), who was in charge of this application, filed an Amendment dated March 12, 2003 which canceled claim 31 and added its subject matter to claim 26 to render claim 26, and therewith claims 27-30, 32-34 and 36 that depended from claim 26, allowable.

**(Exhibit B)**  
April 25, 2003

A Final Rejection (copy attached as Exh. B) continued to allow claims 19, 24 and 25 but rejected claims 26-30, 32 and 36 and contained the note that "claim 31 was not incorporated; the claim language was changed".

**(Exhibit 1)**  
May 28, 2003

By fax letter (copy attached as Exh. 1), Lemond reported the Final Rejection (Exh. B) to the client, Onda Techno International Patent Attorneys of Gifu-City, Japan, ("Onda"), and pointed out that the subject matter of claim 31 was not properly incorporated, as its language was changed, which required a slight modification of claim 26 in order to place it in condition for allowance. The letter noted that a response was due by July 25, 2003 and that the six-month statutory period for responding to the Office Action ends October 25, 2003.

**(Exhibit 2)**  
June 6, 2003

The client, Onda, instructed Lemond by letter (copy attached as Exh. 2) to file a suitable response by July 25, 2003.

**(Exhibit C)**  
September 25, 2003

An Amendment Under 37 CFR 1.116 (copy attached as Exh. C) was filed, included an amendment of claim 26, and stated in relevant parts:

In the previous Amendment, applicants amended claim 26 to include the subject matter of claim 31. However, applicants neglected to include the subject matter of claim 30 (upon which claim 31 depended) and claim 27 (upon which claim 30 depended). Accordingly, applicants have amended claim 26 to include the subject matter of claims 27 and 30. It is respectfully submitted that claim 26 is now allowable as indicated by the Examiner in the Office Action mailed November 12, 2002.

**(Exhibit 3)**  
September 26, 2003

With a letter (copy attached as Exh. 3), Lemond forwarded to the client, Onda, a copy of the Amendment filed September 25, 2003 and noted that in the event the Amendment were not entered, a request for continued examination or a new continuation, divisional or continuation-in-part application must be filed by October 25, 2003 to prevent the application from becoming abandoned.

**(Exhibit 4)**  
October 16, 2003

TTC sent an invoice (copy attached as Exh. 4) to the client, Onda, for the Amendment filed September 25, 2003.

**(Exhibit D)**  
November 25, 2003

An Advisory Action (copy attached as Exh. D) stated that the proposed Amendment had not been entered and noted that “part of the addition duplicates language already in the claim” and that the “added language does not correspond to claim 30”. Although this Advisory Action was received according to records of TTC’s Docketing Department, it became internally lost and never became part of TTC’s file for this case until a copy thereof was retrieved from PAIR in February 2007. (Welch Declaration)

**(Exhibit E)**  
June 17, 2004

A Notice of Abandonment (copy attached as Exh. E) stated that the application was abandoned in view of “Applicants’ failure to timely file a proper reply to the Office letter mailed on 4/25/03 (and 11/25/03)”. The cover sheet of the Office Action bore a stamp, applied by TTC, which stated “Not Abandoned in Docket” and “Check Abandoned Status: 8/17/04”.

**(Exhibit F)**  
October 21, 2004

Lemond refiled the Amendment dated September 25, 2003 (copy attached as Exh. F) under the belief that the Amendment had not been received by the USPTO. (Olivier Declaration)

February 28, 2006

Lemond left TTC and moved out of state.

**(Exhibit H)**  
January 25, 2007

A second Notice of Abandonment (copy attached as Exh. H) was received by TTC which stated that the application was abandoned for failure to timely file a proper reply to the Office Letter mailed April 25, 2003, and further noted that “the Amendment of 10/21/04 is a second copy of the Amendment of 9/25/03”. Shortly thereafter, on or about February 7, 2007, a copy of the Advisory Action of November 25, 2003 (Exh. D) was retrieved directly from PAIR. (Welch Declaration)

**(Exhibit 5)**  
February 15, 2007

Upon receipt of the second Notice of Abandonment (Exh. H), the file was given to J. Georg Seka (Seka), who assumed responsibility for this case. Seka sent a letter (copy attached as Exh. 5) to the client, Onda, inquiring whether there was an intent on the part of the client to abandon the application, because Seka saw no indication in the file that this was the case.

**(Exhibit 6)**  
February 20, 2007

The client, Onda, informed Seka in a letter (copy attached as Exh. 6) that there had not been any intent on the part of the client to abandon the case.

**(Exhibit 7)**  
March 14, 2007

A letter from Seka to the client (copy attached as Exh. 7) briefly summarizes the developments that led to the abandonment of the case and forwarded to the client a copy of a proposed Amendment to be filed with a Request for Continued Examination (RCE).

**(Exhibit 8)**  
March 16, 2007

In a letter (copy attached as Exh. 8), the client, Onda, informed Seka that the Amendment was agreeable and asked that it be filed.

**(Exhibit I)**  
March 19, 2007

Seka filed a Petition for the revival of an application for unintentional abandonment together with an RCE and an Amendment, copies of all of which are attached hereto as Exhibit I.

**(Exhibit 9)**  
March 23, 2007

In a letter (copy attached as Exh. 9), Seka confirmed to the client that a Petition for the revival of an unintentionally abandoned patent application had been filed, together with an RCE and an Amendment.

**(Exhibit J)**

A copy of TTC's "Patent Management (View Only) - Docket Edit" which lists docket entries of TTC relating to the present application.

**(Exhibit K)**

"Docketing Module - Edit Date" from TTC's docket which confirms receipt of Advisory Action of November 25, 2003 but which is not entered in the docket because the Advisory Action does not trigger a new date.

Respectfully submitted,

  
J. Georg Seka  
Reg. No. 24,491

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
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61306152 v1



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,894	10/26/1999	SEIJI MOTOJIMA	87711	7827

7590 11/12/2002

J GEORG SEKA  
TOWNSEND & TOWNSEND & CREW  
TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO, CA 94111

EXAMINER

HENDRICKSON, STUART L

ART UNIT	PAPER NUMBER
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1754

16

DATE MAILED: 11/12/2002

*Response Due* 2/12/03 53P

Please find below and/or attached an Office communication concerning this application or proceeding.



# Office Action Summary

Application No.

09/403,894

Applicant(s)

MOTOJIMA ET AL.

Examiner

Stuart Hendrickson

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19,24-32 and 36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19,24 and 25 is/are allowed.
- 6) ☒ Claim(s) 26-28,30,32 and 36 is/are rejected.
- 7) ☒ Claim(s) 29 and 31 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 5) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☒ Other: *irradiated mail notice*.



Art Unit: 1754

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 26-28, 30, 32 and 36 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Foster et al.

Foster teaches in column 2 and fig. 1 an apparatus having gas (propane) inlet and outlet, a heater and a catalyst subject to voltage, which is all the structure which is claimed. The intended use does not limit an apparatus. No differences are seen.

Applicant's arguments with respect to claims pending have been considered but are moot in view of the new ground(s) of rejection.

Claim 19 should say 'charge', not 'change'. In claim 29, 'of' should be deleted.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (703) 308-2539.



Stuart Hendrickson  
examiner Art Unit 1754



## UNITED STATES PATENT AND TRADEMARK OFFICE

087711-00000005KTL

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,894	10/26/1999	SEIJI MOTOJIMA	87711	7827

7590 04/25/2003

J GEORG SEKA  
TOWNSEND & TOWNSEND & CREW  
TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO, CA 94111

EXAMINER

HENDRICKSON, STUART L

ART UNIT

PAPER NUMBER

1754

DATE MAILED: 04/25/2003

*Amend/Appeal Due 7/25/03 53P*

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT

B

# Office Action Summary

Application No.

403894

Applicant(s)

Motsjina

Examiner

Hedrickson

Group Art Unit

1194

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 3/12/03
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 19, 24-30, 32, 36 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 17, 24, 25 is/are allowed.
- ☐ Claim(s) 26-30, 32, 36 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1754

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 26-30, 32 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A) In claim 26, the listed gases do not contain S and P; the claims now require one gas which contains both of these elements. The added clause to claim 26 is not clear.

Claim 31 was not incorporated; the claim language was changed. The <sup>apparatus</sup> claims are interpreted that the apparatus requires the presence of both carbon gas and P/S gas; a gas-free apparatus would still be anticipated by Foster.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (703) 308-2539.



Stuart Hendrickson  
examiner Art Unit 1754

TOWNSEND  
and  
TOWNSEND  
and  
CREW  
LLP

Palo Alto, California  
Tel 650 326-2400

Denver, Colorado  
Tel 303 571-4000

Walnut Creek, California  
Tel 925 472-5000

Seattle, Washington  
Tel 206 467-9600

**San Francisco**

Two Embarcadero Center  
8th Floor  
San Francisco  
California 94111-3834  
Tel 415 576-0200  
Fax 415 576-0300

May 28, 2003

*VIA FACSIMILE 011+8158+266-8069*

Kazuhito Ino  
Onda Techno Intl. Patent Attys.  
12-1, Omiya-cho 2-chome  
Gifu-City, 500-8731  
JAPAN

Re: US Patent Application No. 09/403,894  
For: METHOD AND APPARATUS FOR  
MANUFACTURING CARBON FIBER COILS  
Filed: October 26, 1999  
Your Reference No.: P3P99022US  
Our File No.: 087711-000000US

Dear Mr. Ino:

Enclosed is a copy of the latest and final Office Action from the U.S. Patent Office regarding the above-identified invention.

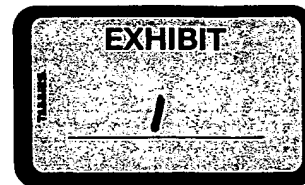
Claims 19, 24 and 25 continue to be deemed to be directed to allowable subject matter.

The Examiner is now objecting to claim 26 since he believes that the amendment to claim 26 is not clear, as it now requires one gas that contains both S and P. Furthermore, the Examiner is indicating that claim 31's subject matter was not properly incorporated, as the claim language of claim 31 was changed. Accordingly, we will need to slightly modify claim 26 in order to place it in condition for allowance. Since it appears that the claim language used in claim 26 was our language, we will prepare and file a suitable response at no cost to you or your client.

Please let us know if this is acceptable to you and your client.

Our response is due by July 25, 2003 to keep the application from becoming abandoned. This date can be extended for up to three months upon payment of a fee at the time we file our response.

After a final rejection, reconsideration based upon old or new arguments can be requested. Rejected claims can be cancelled or combined and claims can be amended by incorporating limitations that were present in at least one previously pending claim. Note, however, that new limitations normally cannot be introduced into the claims after an application

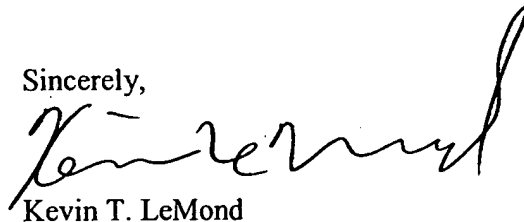


is under final rejection. That normally can only be done by refiling the application as a continuation application in which claims including the new limitations are submitted. In addition, the final rejection can be appealed to the Patent Office Board of Appeals.

If we do prepare an amendment, but the Examiner either refuses entry of the amendment (for example, if it raises new issues or requires further search) or enters it only for the purposes of an appeal, we can file an appeal or file a continuation or a continuation-in-part application. This must be done before the end of the six-month statutory period, that is by October 25, 2003, if prosecution is to continue. In other words, after we receive a final Office Action, anything else we do must be done within the six month statutory period; anything we do or the Examiner does will usually not start a new time period running.

We await your instructions.

Sincerely,



Kevin T. LeMond

KTL:lo  
Enclosures  
SF 1461007 v1



UNITED STATES PATENT AND TRADEMARK OFFICE

087711-00000013K

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590 04/25/2003

J GEORG SEKA  
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8TH FLOOR  
SAN FRANCISCO, CA 94111

EXAMINER

HENDRICKSON, STUART L

ART UNIT PAPER NUMBER

1754

DATE MAILED: 04/25/2003

*Amend/Appeal Due 7/25/03 53P*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

453894

Applicant(s)

M. J. J. J.

Examiner

B. J. J. J.

Group Art Unit

1/18

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 3/12/03
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received
- in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary



Art Unit: 1754

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 26-30, 32 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A) In claim 26, the listed gases do not contain S and P; the claims now require one gas which contains both of these elements. The added clause to claim 26 is not clear.

Claim 31 was not incorporated; the claim language was changed. The <sup>apparatus</sup> claims are interpreted that the apparatus requires the presence of both carbon gas and P/S gas; a gas-free apparatus would still be anticipated by Foster.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (703) 308-2539.



Stuart Hendrickson  
examiner Art Unit 1754

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

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RECIPIENT ADDRESS ##221679#01181582668069#  
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Eighth Floor  
San Francisco  
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Fax 415 576-0300

## FACSIMILE COVER SHEET

Date:

May 28, 2003

Client &amp; Matter Number :

087711-000000US

No. Pages (including this one):

6

To: Kazuhito Ino, ONDO TECHNO

011-8158-266-8069

From : Kevin T. LeMond

(4593)

Message:



# ONDA TECHNO Intl. Patent Attys.

PATENTS, DESIGNS, TRADEMARKS & COPYRIGHTS

12-1, OMIYA-CHO 2-CHOME, GIFU CITY, 500-8731 JAPAN

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M. MASAKI	* A. YAMADA	-	T. YAMAGUCHI	-
T. KIMURA	* T. NAKATSURU	-	H. TSUJI	-
	* PATENT ATTORNEY	**	U.S. PATENT ATTORNEY	
	*** ATTORNEY AT LAW	-	PATENT ENGINEER	

June 6, 2003

Via Facsimile and Mail

Mr. Kevin T. LeMond  
TOWNSEND AND TOWNSEND AND CREW LLP  
Two Embarcadero Center, 8th Floor,  
San Francisco, CA 94111-3834  
U.S.A.

**CONFIRMATION COPY**

Re: Y/R: 87711, O/R: P3P99022US  
U.S. Patent Application S/N: 09/403,894  
"METHOD AND APPARATUS FOR MANUFACTURING CARBON FIBER  
COILS"

Dear Mr. LeMond:

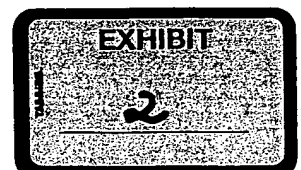
Thank you for your letter of May 28, 2003 enclosing a copy of the final Office Action regarding the above-identified application.

Please prepare and file a suitable response with the USPTO by **July 25, 2003** as stated in your May 28 letter.

If you have any questions, please do not hesitate to contact us. Also, please confirm receipt of this letter by return facsimile. Thank you for your assistance in this matter.

Sincerely,  
ONDA TECHNO INTL.  
PATENT ATTYS.

*K. Ino*  
Kazunito Ino



PTO FAX NO.: 1 703 872-9311

ATTENTION: Examiner S. Hendrickson  
TELEPHONE NO.:

Group Art Unit 1754

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**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER S. Hendrickson**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following document(s) in re Application of SEIJI MOTOJIMA, et al., Application No. 09/403,894, filed October 26, 1999 for METHOD AND APPARATUS FOR MANUFACTURING CARBON FIBER COILS is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. Amendment
2. Petition to Extend Time
3. Fee Transmittal

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Lata Olivier



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San Francisco, CA 94111-3834  
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Fax: 415-576-0300

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P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE –  
EXAMINING GROUP 1754**

**PATENT**  
Attorney Docket No.: 087711-000000US  
Client Ref. No.: P3P99022US

On September 25, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: \_\_\_\_\_

Lata Olivier

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

SEIJI MOTOJIMA, et al.

Application No.: 09/403,894

Filed: October 26, 1999

For: METHOD AND APPARATUS FOR  
MANUFACTURING CARBON FIBER  
COILS

Examiner: S. Hendrickson

Technology Center/Art Unit: 1754

**AMENDMENT UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE EXAMINING  
GROUP 1754**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed April 25, 2003 on the above-referenced application, please enter the following amendments and remarks:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1           Claims 1-18 canceled.

1           19.   (Previously Amended) A method of manufacturing carbon fiber coils comprising:  
2               placing a solid catalyst within a reaction chamber;  
3               supplying stock gas and a catalytic gas to the reaction chamber;  
4               applying voltage to the solid catalyst to charge the solid catalyst; and  
5           heating the interior of the chamber to grow carbon fiber coils from the stock gas, wherein an  
6           exterior of the reaction chamber is substantially free of a magnetic field during the heating.

1           Claims 20-23 canceled.

1           24. (Previously presented) The method according to claim 19, wherein the voltage is a  
2           DC voltage and the solid catalyst is negatively charged.

1           25. (Previously presented) The method according to claim 19, wherein the interior of  
2           the chamber is heated to a temperature in the range of 700 to 830 degrees Centigrade.

1           26. (Currently Amended) An apparatus for manufacturing carbon fiber coils from a  
2           stock gas, which is subjected to thermal decomposition to generate solid carbon, and a catalytic  
3           gas, which promotes thermal decomposition of the stock gas, the apparatus comprising:  
4               a reaction chamber, to which the stock gas and the catalytic gas are supplied  
5               through a port;  
6               a solid catalyst located within the reaction chamber;  
7               a power source, which is external to the reaction chamber, for applying voltage to  
8               the solid catalyst; **[[and]]**  
9               a heating device for heating the interior of the reaction chamber to grow carbon  
10           fiber coils from the stock gas, wherein the heating device produces substantially no magnetic  
11           field in the reaction chamber;

12            wherein the catalytic gas contains at least one of sulfur compound and phosphorus  
13 compound, and the sulfur compound and phosphorus compound include thiophene, hydrogen  
14 sulfide, methylmercaptan, and phosphorus trichloride;

15            wherein the solid catalyst faces an outlet of the port and is spaced from the outlet by a  
16 distance, and the stock gas is supplied to the reaction chamber at a certain velocity, wherein the  
17 ratio of the velocity of the stock gas to the distance is in a range of 10 to 10000, wherein the  
18 velocity is expressed in centimeters per minute and the distance is expressed in centimeters; and

19            wherein the catalytic gas contains at least one of sulfur compound and phosphorus  
20 compound, and the sulfur compound and phosphorus compound include thiophene, hydrogen  
21 sulfide, methylmercaptan, and phosphorus trichloride.

1            Please cancel claim 27.

1            28. (Currently amended) The apparatus according to claim ~~[[27]]~~ 26, wherein the stock  
2 gas contains one of acetylene, methane, and propane.

1            29. (Previously presented) The apparatus according to claim 28, wherein the catalyst  
2 contains microcrystalline nickel.

1            Please cancel claim 30.

1            Claim 31 canceled.

1            32. (Previously presented) The apparatus according to claim 26, wherein the reaction  
2 chamber is heated to a temperature in the range of 700 to 830 degrees Centigrade.

1            Claims 33-35 canceled.

1            36. (Previously presented) The apparatus according to claim 35, wherein the power  
2 source is a DC power source for negatively charging the solid catalyst.

1            Claims 37-40 canceled.

Appl. No. 09/403,894  
Amdt. dated September 25, 2003  
Amendment under 37 CFR 1.116 Expedited  
Procedure Examining Group

PATENT

**REMARKS/ARGUMENTS**

Claims 19, 24-26, 28-29, 32 and 36 are pending.

Applicants note with appreciation the indicated allowability of claims 19, 24-25, 29 and 31.

Claims 26-30, 32 and 36 stand rejected. Applicants respectfully request reconsideration.

In the previous amendment, applicants amended claim 26 to include the subject matter of claim 31. However, applicants neglected to include the subject matter of claim 30 (upon which claim 31 depended) and claim 27 (upon which claim 30 depended). Accordingly, applicants have amended claim 26 to include the subject matter of claims 27 and 30. It is respectfully submitted that claim 26 is now allowable as indicated by the Examiner in the office action mailed November 12, 2002. Claims 32 and 36 depend on claim 26 and therefore are also allowable for at least the reasons claim 26 is allowable.



Appl. No. 09/403,894  
Amdt. dated September 25, 2003  
Amendment under 37 CFR 1.116 Expedited  
Procedure Examining Group

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is urged.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Kevin T. LeMond  
Reg. No. 35,933

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
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Fax: 415-576-0300  
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ATTENTION: Examiner S. Hendrickson  
TELEPHONE NO.:

Group Art Unit 1754

**OFFICIAL COMMUNICATION**  
**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER S. Hendrickson**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following document(s) in re Application of SEIJI MOTOJIMA, et al., Application No. 09/403,894, filed October 26, 1999 for METHOD AND APPARATUS FOR MANUFACTURING CARBON FIBER COILS is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. Amendment
2. Petition to Extend Time
3. Fee Transmittal

Number of pages being transmitted, including this page: 10

Dated: 9/25/03



# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 410

Complete if Known

Application Number 09/403,894  
Filing Date October 26, 1999  
First Named Inventor Motojima, Seiji  
Examiner Name S. Hendrickson  
Art Unit 1754  
Attorney Docket No. 087711-000000US

## METHOD OF PAYMENT (check all that apply)

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## FEE CALCULATION

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1001	750	2001	375	Utility filing fee
1002	330	2002	165	Design filing fee
1003	520	2003	260	Plant filing fee
1004	750	2004	375	Reissue filing fee
1005	160	2005	80	Provisional filing fee

Fee Paid

SUBTOTAL (1)

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### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fees from below	Fee Paid
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Independent Claims	<input type="text"/>	** =	<input type="text"/>
Multiple Dependent	<input type="text"/>	X	<input type="text"/>

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

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## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

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Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
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1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	410	2252	205	Extension for reply within second month
1253	930	2253	465	Extension for reply within third month
1254	1,450	2254	725	Extension for reply within fourth month
1255	1,970	2255	985	Extension for reply within fifth month
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1402	320	2402	160	Filing a brief in support of an appeal
1403	280	2403	140	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,300	2453	650	Petition to revive - unintentional
1501	1,300	2501	650	Utility issue fee (or reissue)
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1503	630	2503	315	Plant issue fee
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1807	50	1807	50	Petitions related to provisional applications
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
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## SUBMITTED BY

Name (Print/Type)

Kevin T. LeMond

Registration No. (Attorney/Agent)

38,833

Telephone

415-576-0200

Signature

Date

9/25/03

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Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

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Application Number 09/403,894  
Filing Date October 26, 1999  
First Named Inventor Motojima, Seiji  
Examiner Name S. Hendrickson  
Art Unit 1754  
Attorney Docket No. 087711-000000US

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Multiple Dependent			

Large Entity Small Entity

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SUBTOTAL (2)

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## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Fee Code	Large Fee (\$)	Small Fee Code	Small Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
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Other fee (specify)

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(\$410

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Kevin T. LeMond

Registration No. (Attorney/Agent)

35,833

Telephone

415-576-0200

Signature

Date

9/25/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 60047213 v1

<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		Docket Number (Optional) 087711-000000US
In re Application of SEIJI MOTOJIMA, et al.		
Application Number 09/403,894		Filed October 26, 1999
For METHOD AND APPARATUS FOR MANUFACTURING CARBON FIBER COILS		
Art Unit 1754		Examiner S. Hendrickson

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$
<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$410
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ .

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 20-1430.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.. Registration Number 35,933

☐ attorney or agent under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a). \_\_\_\_\_

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

9/25/03

---

Date

---

Signature

Kevin T. LeMond, Reg. No. 35,933

---

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		Docket Number (Optional) 087711-000000US
In re Application of SEIJI MOTOJIMA, et al.		
Application Number 09/403,894		Filed October 26, 1999
For METHOD AND APPARATUS FOR MANUFACTURING CARBON FIBER COILS		
Art Unit 1754		Examiner S. Hendrickson

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<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ .

☐ A check in the amount of the fee is enclosed.

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☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

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I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.. Registration Number 35,933

☐ attorney or agent under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a). \_\_\_\_\_

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

9/25/03

---

Date

---

Signature

Kevin T. LeMond, Reg. No. 35,933

---

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".

☐ \*Total of \_\_\_\_\_ forms are submitted.

TOWNSEND  
*and*  
TOWNSEND  
*and*  
CREW

Palo Alto, California  
Tel 650 326-2400

Denver, Colorado  
Tel 303 571-4000

Walnut Creek, California  
Tel 925 472-5000

Seattle, Washington  
Tel 206 467-9600

**San Francisco**

Two Embarcadero Center  
8th Floor  
San Francisco  
California 94111-3834  
Tel 415 576-0200  
Fax 415 576-0300

September 26, 2003

Kazuhito Ino  
Onda Techno Intl. Patent Attys.  
12-1, Omiya-cho 2-chome  
Gifu-City, 500-8731  
JAPAN

Re: US Patent Application No. 09/403,894  
For: METHOD AND APPARATUS FOR  
MANUFACTURING CARBON FIBER COILS  
Filed: October 26, 1999  
Your Reference No.: P3P99022US  
Our File No.: 087711-000000US

Dear Mr. Ino:

Enclosed is a copy of an Amendment that was filed in the U.S. Patent Office on September 25, 2003 in the above-referenced application.

As you may be aware, responses to final Office Actions are entered or not at the Examiner's discretion, and simply filing a response does not prevent the Patent Office from declaring the application abandoned after the expiration of the six-month period for action after final rejection. If the response we have filed is not entered or does not persuade the Examiner to allow the application, we will need to decide whether to appeal the rejection, re-open prosecution by filing a request for continued examination (which requires a new filing fee), or file a new continuation, divisional, or continuation-in-part application. Any such action will need to be taken by October 25, 2003 in order to prevent the application from becoming abandoned.

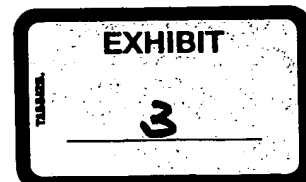
We will continue to keep you apprised of further developments. In the meantime, if you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely,



Kevin T. LeMond

KTL/lo  
Enclosure  
60048124 v1



TOV...SEND AND TOWNSEND AND CREW LLP

nda Techno Int'l Patent Attys.  
2-1, Omiya-cho 2-chome  
ifu City, 500  
APAN

Invoice Number 350639  
Invoice Date 10/16/03  
Client Number 087711-JGS  
Matter Number 000000US  
Page 1

Re: (000000US) U.S. Patent Utility Mechanical  
U.S. National Phase of PCT/JP99/00785 for METHOD  
AND APPARATUS FOR MANUFACTURING CARBON FIBER  
COILS  
Client Reference No: P3P99022US

FOR PROFESSIONAL SERVICES RENDERED:

Date	Aty		Hours	Value
04/03	SBA	Proof Corrected Assignment Recordation data, and draft and send correspondence to client. Draft Recordation Forms 1595 for additional assignments and assemble documents.	1.20	198.00
07/25/03	CTL	Tend to recording assignment with USPTO.	0.50	207.50
08/31/03	CTL	Review file, office action and references. Amend claims. Prepare Amendment.	5.50	2,282.50
TOTAL HOURS			7.20	
CURRENT FEES				2,688.00

FOR COSTS ADVANCED AND EXPENSES INCURRED:

09/30/03	Telecopy - this billing period	24.25	
09/30/03	Copying - this billing period	1.20	
09/30/03	Telephone - this billing period	3.68	
09/30/03	Postage - this billing period	2.00	
07/29/03	Patent Assignment Fee 09/403,894	120.00	
09/25/03	Extension of Time Fee 09/403,894	410.00	
CURRENT EXPENSES			561.13
TOTAL THIS MATTER			\$3,249.13



TOV...SEND AND TOWNSEND AND CREW LLP

Onda Techno Int'l Patent Attys.  
12-1, Omiya-cho 2-chome  
Nifuku City, 500  
JAPAN

Invoice Number 350639  
Invoice Date 10/16/03  
Client Number 087711-JGS

Page 2

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TOTAL FOR PROFESSIONAL SERVICES	\$2,688.00
TOTAL FOR COSTS ADVANCED AND EXPENSES	\$561.13
	-----
TOTAL AMOUNT OF THIS INVOICE	\$3,249.13
	-----
TOTAL BALANCE DUE UPON RECEIPT	\$3,249.13
	=====

Please note that effective February 1, 2002 we have changed the bank account to which wires are sent. The new account information is:

Bank: Wells Fargo Bank, ABA Routing #: 121000248

Beneficiary: Townsend and Townsend and Crew LLP, Acct.#: 413-0516214

Please indicate your client and invoice numbers on your remittance.

Our Federal Tax ID No. is: 94-1222424



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,894	10/26/1999	SEIJI MOTOJIMA	87711	7827

7590 11/25/2003

J GEORG SEKA  
TOWNSEND & TOWNSEND & CREW  
TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO, CA 94111

EXAMINER

HENDRICKSON, STUART L

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT

D



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED:

Below is a communication from the EXAMINER in charge of this application  
COMMISSIONER OF PATENTS AND TRADEMARKS

### ADVISORY ACTION

#### THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

#### PERIOD FOR REPLY (check only a) or b))

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 707.07(f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search. (see NOTE below);
- (b) ☐ they raise the issue of new matter. (see NOTE below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

#### NOTE:

Part of the addition duplicates language already in the claim, while the rest raises new issues not corresponding to claim 27 or 30.

4. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_

5. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: the added language does not correspond to claim 30. It is new.

7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):

Claim(s) allowed: 19, 24, 25

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 26-30, 32, 36

Claim(s) withdrawn from consideration: \_\_\_\_\_

9. ☐ The proposed drawing correction filed on \_\_\_\_\_ a) ☐ has b) ☐ has not been approved by the Examiner.

10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

11. ☐ Other: \_\_\_\_\_

STUART L. HENDRICKSON  
PRIMARY EXAMINER



UNITED STATES PATENT AND TRADEMARK OFFICE

087711-000000US

KTZ, SF

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590 06/17/2004

J GEORG SEKA  
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8TH FLOOR  
SAN FRANCISCO, CA 94111

EXAMINER	
HENDRICKSON, STUART L	
ART UNIT	PAPER NUMBER
1754	

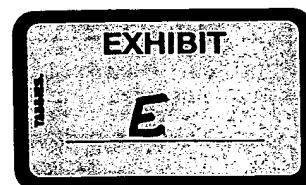
DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

NOT ABANDONED  
IN DOCKET

Check Abandoned Status:

8/17/04





**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09403894

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 4/25/03 (and 11/25/03)
- ☐ A reply (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; or (2) Notice of Appeal).
- ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.
- ☐ The issue fee has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability (PTOL-37).
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

*Stuart L. Hendrickson*  
**STUART L. HENDRICKSON  
PATENT EXAMINER**

**NOTICE OF OFFICE PLAN TO CEASE SUPPLYING COPIES OF CITED U.S. PATENT  
REFERENCES WITH OFFICE ACTIONS, AND PILOT TO EVALUATE THE  
ALTERNATIVE OF PROVIDING ELECTRONIC ACCESS TO SUCH U.S. PATENT  
REFERENCES**

**Summary**

The United States Patent and Trademark Office (Office or USPTO) plans in the near future to: (1) cease mailing copies of U.S. patents and U.S. patent application publications (US patent references) with Office actions except for citations made during the international stage of an international application under the Patent Cooperation Treaty and those made during reexamination proceedings; and (2) provide electronic access to, with convenient downloading capability of, the US patent references cited in an Office action via the Office's private Patent Application Information Retrieval (PAIR) system which has a new feature called "E-Patent Reference." Before ceasing to provide copies of U.S. patent references with Office actions, the Office shall test the feasibility of the E-Patent Reference feature by conducting a two-month pilot project starting with Office actions mailed after December 1, 2003. The Office shall evaluate the pilot project and publish the results in a notice which will be posted on the Office's web site ([www.USPTO.gov](http://www.USPTO.gov)) and in the Patent Official Gazette (O.G.). In order to use the new E-Patent Reference feature during the pilot period, or when the Office ceases to send copies of U.S. patent references with Office actions, the applicant must: (1) obtain a digital certificate from the Office; (2) obtain a customer number from the Office, and (3) properly associate applications with the customer number. The pilot project does not involve or affect the current Office practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of references will continue to be provided by the USPTO for searches and written opinions prepared by the USPTO for international applications during the international stage and for reexamination proceedings.

**Description of Pilot Project to Provide Electronic Access to Cited U.S. Patent References**

On December 1, 2003, the Office will make available a new feature, E-Patent Reference, in the Office's private PAIR system, to allow more convenient downloading of U.S. patents and U.S. patent application publications. The new feature will allow an authorized user of private PAIR to download some or all of the U.S. patents and U.S. patent application publications cited by an examiner on form PTO-892 in Office actions, as well as U.S. patents and U.S. patent application publications submitted by applicants on form PTO/SB08 (1449) as part of an IDS. The retrieval of some or all of the documents may be performed in one downloading step with the documents encoded as Adobe Portable Document format (.pdf) files, which is an improvement over the current page-by-page retrieval capability from other USPTO systems.

references. The Office plans to continue to provide access to the E-Patent Reference feature during its evaluation of the pilot.

### Comments

Comments concerning the E-Patent Reference feature should be in writing and directed to the Electronic Business Center (EBC) at the USPTO by electronic mail at [eReference@uspto.gov](mailto:eReference@uspto.gov) or by facsimile to (703) 308-2840. Comments will be posted and made available for public inspection. To ensure that comments are considered in the evaluation of the pilot project, comments should be submitted in writing by January 15, 2004.

Comments with respect to specific applications should be sent to the Technology Centers' customer service centers. Comments concerning digital certificates, customer numbers, and associating customer numbers with applications should be sent to the Electronic Business Center (EBC) at the USPTO by facsimile at (703) 308-2840 or by e-mail at [EBC@uspto.gov](mailto:EBC@uspto.gov).

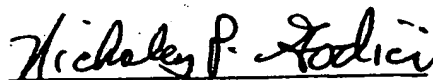
### Implementation after Pilot

After the pilot, its evaluation, and publication of a subsequent notice as indicated above, the Office expects to implement its plan to cease mailing paper copies of U.S. patent references cited during examination of non provisional applications on or after February 2, 2004; although copies of cited foreign patent documents, as well as non-patent literature, will still be mailed to the applicant until such time as substantially all applications have been scanned into IFW.

### For Further Information Contact

Technical information on the operation of the IFW system can be found on the USPTO website at <http://www.uspto.gov/web/patents/ifw/index.html>. Comments concerning the E-Patent Reference feature and questions concerning the operation of the PAIR system should be directed to the EBC at the USPTO at (866) 217-9197. The EBC may also be contacted by facsimile at (703) 308-2840 or by e-mail at [EBC@uspto.gov](mailto:EBC@uspto.gov).

Date. 12/1/03



Nicholas P. Godici  
Commissioner for Patents

# **USPTO TO PROVIDE ELECTRONIC ACCESS TO CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS AND CEASE SUPPLYING PAPER COPIES**

In support of its 21<sup>st</sup> Century Strategic Plan goal of increased patent e-Government, beginning in June 2004, the United States Patent and Trademark Office (Office or USPTO) will begin the phase-in of its E-Patent Reference program and hence will: (1) **provide downloading capability of the U.S. patents and U.S. patent application publications cited in Office actions** via the E-Patent Reference feature of the Office's Patent Application Information Retrieval (PAIR) system; and (2) **cease mailing paper copies of U.S. patents and U.S. patent application publications with Office actions** (in applications and during reexamination proceedings) except for citations made during the international stage of an international application under the Patent Cooperation Treaty (PCT). In order to use the new E-Patent Reference feature applicants must: (1) obtain a digital certificate and software from the Office; (2) obtain a customer number from the Office; and (3) properly associate patent applications with the customer number. Alternatively, copies of all U.S. patents and patent application publications can be accessed without a digital certificate from the USPTO web site, from the USPTO Office of Public Records, and from commercial sources. The Office will continue the practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of cited references will continue to be provided by the USPTO for international applications during the international stage.

## **Schedule**

June 2004	TCs 1600, 1700, 2800 and 2900
July 2004	TCs 3600 and 3700
August 2004	TCs 2100 and 2600

All U.S. patents and U.S. patent application publications are available on the USPTO web site. However, a simple system for downloading the cited U.S. patents and patent application publications has been established for applicants, called the E-Patent Reference system. As E-Patent Reference and Private PAIR require participating applicants to have a customer number, retrieval software and a digital certificate, all applicants are strongly encouraged to contact the Patent Electronic Business Center to acquire these items. To be ready to use this system by June 1, 2004, contact the Patent EBC as soon as possible by phone at 866-217-9197 (toll-free), 703-305-3028 or 703-308-6845 or electronically via the Internet at [ebc@uspto.gov](mailto:ebc@uspto.gov).

## **Other Options**

The E-Patent Reference function requires the applicant to use the secure Private PAIR system, which establishes confidential communications with the applicant. Applicants using this facility must receive a digital certificate, as described above. Other options for obtaining patents which do not require the digital certificate include the USPTO's free Patents on the Web program (<http://www.uspto.gov/patft/index.html>). The USPTO's Office of Public Records also supplies copies of patents for a fee (<http://ebiz1.uspto.gov/oems25p/index.html>). Commercial sources also provide U.S. patents and patent application publications.

*For complete instructions see the Official Gazette Notice, USPTO TO PROVIDE ELECTRONIC ACCESS TO CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS AND CEASE SUPPLYING PAPER COPIES, on the USPTO web site.*



PTO FAX NO.: 1 703 872-9306

ATTENTION: Examiner S. Hendrickson

Group Art Unit 1754

**OFFICIAL COMMUNICATION**  
**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER S. Hendrickson**  
**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents in re Application of SEIJI MOTOJIMA, et al., Application No. 09/403,894, filed October 26, 1999 for METHOD AND APPARATUS FOR MANUFACTURING CARBON FIBER COILS are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Copy of Amendment faxed September 25, 2003
2. Copy of Fax Cover Sheet of 9/25/03
3. Copy of Fee Transmittal faxed 9/25/03
4. Copy of Petition for Extension of Time faxed 9/25/03
5. Copy of Auto-Reply Facsimile Transmission

**FAXED**  
10-21-04  
4570

Number of pages being transmitted, including this page: 13

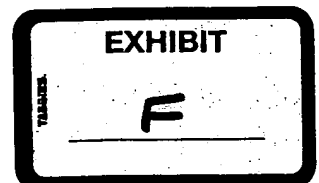
Dated: 10/21/04

  
\_\_\_\_\_  
Lata Olivier

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Fax: 415-576-0300

KTL/lo



PTO FAX NO.: 1 703 872-9311

ATTENTION: Examiner S. Hendrickson  
TELEPHONE NO.:

Group Art Unit 1754

**OFFICIAL COMMUNICATION**  
**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER S. Hendrickson**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following document(s) in re Application of SEIJI MOTOJIMA, et al., Application No. 09/403,894, filed October 26, 1999 for METHOD AND APPARATUS FOR MANUFACTURING CARBON FIBER COILS is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. Amendment
2. Petition to Extend Time
3. Fee Transmittal

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Dated: 9/25/03



Lata Olivier



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On September 25, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: \_\_\_\_\_

Lata Olivier

**AMENDMENT UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE –  
EXAMINING GROUP 1754**

**PATENT**  
Attorney Docket No.: 087711-000000US  
Client Ref. No.: P3P99022US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

SEIJI MOTOJIMA, et al.

Application No.: 09/403,894

Filed: October 26, 1999

For: METHOD AND APPARATUS FOR  
MANUFACTURING CARBON FIBER  
COILS

Examiner: S. Hendrickson

Technology Center/Art Unit: 1754

**AMENDMENT UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE EXAMINING  
GROUP 1754**

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed April 25, 2003 on the above-referenced application, please enter the following amendments and remarks:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1           Claims 1-18 canceled.

1           19.   (Previously Amended) A method of manufacturing carbon fiber coils comprising:  
2               placing a solid catalyst within a reaction chamber;  
3               supplying stock gas and a catalytic gas to the reaction chamber;  
4               applying voltage to the solid catalyst to charge the solid catalyst; and  
5           heating the interior of the chamber to grow carbon fiber coils from the stock gas, wherein an  
6           exterior of the reaction chamber is substantially free of a magnetic field during the heating.

1           Claims 20-23 canceled.

1           24. (Previously presented) The method according to claim 19, wherein the voltage is a  
2           DC voltage and the solid catalyst is negatively charged.

1           25. (Previously presented) The method according to claim 19, wherein the interior of  
2           the chamber is heated to a temperature in the range of 700 to 830 degrees Centigrade.

1           26. (Currently Amended) An apparatus for manufacturing carbon fiber coils from a  
2           stock gas, which is subjected to thermal decomposition to generate solid carbon, and a catalytic  
3           gas, which promotes thermal decomposition of the stock gas, the apparatus comprising:  
4               a reaction chamber, to which the stock gas and the catalytic gas are supplied  
5               through a port;  
6           a solid catalyst located within the reaction chamber;  
7               a power source, which is external to the reaction chamber, for applying voltage to  
8           the solid catalyst; **[[and]]**  
9               a heating device for heating the interior of the reaction chamber to grow carbon  
10          fiber coils from the stock gas, wherein the heating device produces substantially no magnetic  
11          field in the reaction chamber;

12 wherein the catalytic gas contains at least one of sulfur compound and phosphorus  
13 compound, and the sulfur compound and phosphorus compound include thiophene, hydrogen  
14 sulfide, methylmercaptan, and phosphorus trichloride;

15 wherein the solid catalyst faces an outlet of the port and is spaced from the outlet by a  
16 distance, and the stock gas is supplied to the reaction chamber at a certain velocity, wherein the  
17 ratio of the velocity of the stock gas to the distance is in a range of 10 to 10000, wherein the  
18 velocity is expressed in centimeters per minute and the distance is expressed in centimeters; and

19 wherein the catalytic gas contains at least one of sulfur compound and phosphorus  
20 compound, and the sulfur compound and phosphorus compound include thiophene, hydrogen  
21 sulfide, methylmercaptan, and phosphorus trichloride.

1 Please cancel claim 27.

1 28. (Currently amended) The apparatus according to claim ~~[[27]]~~ 26, wherein the stock  
2 gas contains one of acetylene, methane, and propane.

1 29. (Previously presented) The apparatus according to claim 28, wherein the catalyst  
2 contains microcrystalline nickel.

1 Please cancel claim 30.

1 Claim 31 canceled.

1 32. (Previously presented) The apparatus according to claim 26, wherein the reaction  
2 chamber is heated to a temperature in the range of 700 to 830 degrees Centigrade.

1 Claims 33-35 canceled.

1 36. (Previously presented) The apparatus according to claim 35, wherein the power  
2 source is a DC power source for negatively charging the solid catalyst.

1 Claims 37-40 canceled.

Appl. No. 09/403,894  
Amdt. dated September 25, 2003  
Amendment under 37 CFR 1.116 Expedited  
Procedure Examining Group

PATENT

**REMARKS/ARGUMENTS**

Claims 19, 24-26, 28-29, 32 and 36 are pending.

Applicants note with appreciation the indicated allowability of claims 19, 24-25, 29 and 31.

Claims 26-30, 32 and 36 stand rejected. Applicants respectfully request reconsideration.

In the previous amendment, applicants amended claim 26 to include the subject matter of claim 31. However, applicants neglected to include the subject matter of claim 30 (upon which claim 31 depended) and claim 27 (upon which claim 30 depended). Accordingly, applicants have amended claim 26 to include the subject matter of claims 27 and 30. It is respectfully submitted that claim 26 is now allowable as indicated by the Examiner in the office action mailed November 12, 2002. Claims 32 and 36 depend on claim 26 and therefore are also allowable for at least the reasons claim 26 is allowable.

Appl. No. 09/403,894  
Amdt. dated September 25, 2003  
Amendment under 37 CFR 1.116 Expedited  
Procedure Examining Group

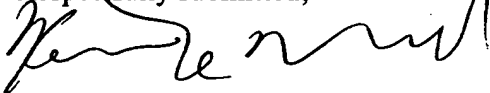
PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is urged.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Kevin T. LeMond  
Reg. No. 35,933

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
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ATTENTION: Examiner S. Hendrickson  
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**EXAMINER S. Hendrickson**

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 410

Application Number	09/403,894
Filing Date	October 26, 1999
First Named Inventor	Motojima, Seiji
Examiner Name	S. Hendrickson
Art Unit	1754
Attorney Docket No.	087711-000000US

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ MoneyOrder ☐ Other ☐ None

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Deposit Account Name: Townsend and Townsend and Crew LLP

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**FEE CALCULATION**

**1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	750	2001 375 Utility filing fee	
		1002	330	2002 165 Design filing fee	
		1003	520	2003 260 Plant filing fee	
		1004	750	2004 375 Reissue filing fee	
		1005	160	2005 80 Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>(\$)</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fees from below	Fee Paid

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1202	18	2202 9 Claims in excess of 20	
		1201	84	2201 42 Independent claims in excess of 3	
		1203	280	2203 140 Multiple dependent claim, if not paid	
		1204	84	2204 42 ** Reissue independent claims over original patent	
		1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					<b>(\$)</b>

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FEE CALCULATION (continued)						
3. ADDITIONAL FEES						
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Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description		
1051	130	2051	65	Surcharge - late filing fee or oath		
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.		
1053	130	1053	130	Non-English specification		
1812	2,520	1812	2,520	For filing a request for reexamination		
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		
1251	110	2251	55	Extension for reply within first month		
1252	410	2252	205	Extension for reply within second month		410
1253	930	2253	465	Extension for reply within third month		
1254	1,450	2254	725	Extension for reply within fourth month		
1255	1,970	2255	985	Extension for reply within fifth month		
1401	320	2401	160	Notice of Appeal		
1402	320	2402	160	Filing a brief in support of an appeal		
1403	280	2403	140	Request for oral hearing		
1451	1,510	1451	1,510	Petition to institute a public use proceeding		
1452	110	2452	55	Petition to revive - unavoidable		
1453	1,300	2453	650	Petition to revive - unintentional		
1501	1,300	2501	650	Utility issue fee (or reissue)		
1502	470	2502	235	Design issue fee		
1503	630	2503	315	Plant issue fee		
1460	130	1460	130	Petitions to the Commissioner		
1807	50	1807	50	Petitions related to provisional applications		
1806	180	1806	180	Submission of Information Disclosure Stmt		
8021	40	8021	40	Recording each patent assignment per property (times number of properties)		
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))		
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))		
1801	750	2801	375	Request for Continued Examination (RCE)		
1802	900	1802	900	Request for expedited examination of a design application		
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<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>			
Name (Print/Type)	Kevin T. LeMond	Registration No. (Attorney/Agent)	35 533	Telephone	415-576-0200
Signature				Date	9/25/03

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 410

Complete if Known

Application Number 09/403,894

Filing Date October 26, 1999

First Named Inventor Motojima, Seiji

Examiner Name S. Hendrickson

Art Unit 1754

Attorney Docket No. 087711-000000US

## METHOD OF PAYMENT (check all that apply)

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Independent Claims	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Multiple Dependent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

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## FEE CALCULATION (continued)

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## SUBMITTED BY

Name (Print/Type)

Kevin T. LeMond

Registration No. (Attorney/Agent)

35 833

Telephone

415-576-0200

Signature

Date

9/25/03

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**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)**Docket Number (Optional)  
087711-000000US

In re Application of SEIJI MOTOJIMA, et al.

Application Number 09/403,894

Filed October 26, 1999

For METHOD AND APPARATUS FOR MANUFACTURING CARBON FIBER  
COILS

Art Unit 1754

Examiner S. Hendrickson

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$  
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☐ Three months (37 CFR 1.17(a)(3)) \$  
☐ Four months (37 CFR 1.17(a)(4)) \$  
☐ Five months (37 CFR 1.17(a)(5)) \$
- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ .  
☐ A check in the amount of the fee is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director has already been authorized to charge fees in this application to a Deposit Account.  
☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 20-1430.

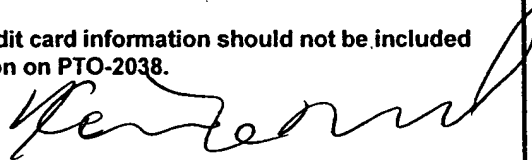
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- I am the ☐ applicant/inventor.  
☐ assignee of record of the entire interest. See 37 CFR 3.71  
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).  
☒ attorney or agent of record.. Registration Number 35,933  
☐ attorney or agent under 37 CFR 1.34(a).  
 Registration number if acting under 37 CFR 1.34(a). \_\_\_\_\_

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Signature

Kevin T. LeMond, Reg. No. 35,933

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

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Docket Number (Optional)  
087711-000000US

In re Application of SEIJI MOTOJIMA, et al.

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- ☐ Three months (37 CFR 1.17(a)(3)) \$
- ☐ Four months (37 CFR 1.17(a)(4)) \$
- ☐ Five months (37 CFR 1.17(a)(5)) \$
- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ .
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Signature

Kevin T. LeMond, Reg. No. 35,933

Typed or printed name

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Atty Docket No. 087711-000000US

PTO FAX NO.: 1 703 872-9311

ATTENTION: Examiner S. Hendrickson  
TELEPHONE NO.:

Group Art Unit 1754

## OFFICIAL COMMUNICATION

## FOR THE PERSONAL ATTENTION OF

EXAMINER S. Hendrickson

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Dated: 9/25/03

  
Lata Olivier

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Fax Information

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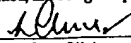
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13 (including cover page)

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10/21/2004 10:17 FAX 415 576 0300		001/013
PTO FAX NO.: 1 703 872-9306		Atty Docket No. 087711-0000001/S
ATTENTION:	Examiner S. Hendrickson	Group Art Unit 1754
<b>OFFICIAL COMMUNICATION</b>		
<b>FOR THE PERSONAL ATTENTION OF</b>		
<b>EXAMINER S. Hendrickson</b>		
<b>CERTIFICATION OF FACSIMILE TRANSMISSION</b>		
I hereby certify that the following documents in re Application of SEIJI MOTOJIMA, et al., Application No. 09/403,894, filed October 26, 1999 for METHOD AND APPARATUS FOR MANUFACTURING CARBON FIBER COILS are being facsimile transmitted to the Patent and Trademark Office on the date shown below.		
<u>Documents Attached</u>		
1. Copy of Amendment filed September 25, 2003		
2. Copy of Fax Cover Sheet of 9/25/03		
3. Copy of Fee Transmittal filed 9/25/03		
4. Copy of Petition for Extension of Time filed 9/25/03		
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Atty Docket No. 087711-000000US

PTO FAX NO.: 1 703 872-9306

ATTENTION: Examiner S. Hendrickson

Group Art Unit 1754

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**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER S. Hendrickson**  
**CERTIFICATION OF FACSIMILE TRANSMISSION**

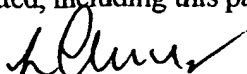
I hereby certify that the following documents in re Application of SEIJI MOTOJIMA, et al., Application No. 09/403,894, filed October 26, 1999 for METHOD AND APPARATUS FOR MANUFACTURING CARBON FIBER COILS are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Copy of Amendment faxed September 25, 2003
2. Copy of Fax Cover Sheet of 9/25/03
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5. Copy of Auto-Reply Facsimile Transmission

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Dated: 10/21/04

  
L. Oliver



UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,894	10/26/1999	SEIJI MOTOJIMA	087711-000000US	7827

20350 7590 01/25/2007  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111 2024

EXAMINER  
HENDRICKSON, STUART L

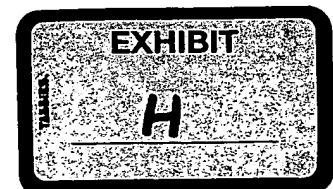
ART UNIT PAPER NUMBER  
1754

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Please find below and/or attached an Office communication concerning this application or proceeding.







**UNITED STATES DEPARTMENT OF COMMERCE**  
**United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/14/03

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 4/25/03.
- ☐ A reply (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☒ A proposed reply was received on 9/25/03, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
- ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed new formal drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ The proposed new formal drawings filed on \_\_\_\_\_ are not acceptable and the period for reply has expired.
- ☐ No proposed new formal drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☒ The reason(s) below:

The amendment of 10/21/04 is a second copy of  
the amendment of 9/25/03

ATL. HENDRICKSON  
PATENT EXAMINER

2000-472-999/43202

## Summary of Record of Interview Requirements

**Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

February 15, 2007



**FAXED**

2-16-07  
1970

*Via Facsimile (0012): 011-81-58-266-8069*

ONDA TECHNO Intl. Patent Attys.  
12-1 Omiya-Cho 2-Chome  
Gifu City, Japan 500-8731

Attention: Kazuhito Ino

Re: U.S. Patent Application No. 09/403,894 for:  
METHOD AND APPARATUS  
FOR MANUFACTURING CARBON FIBER COILS  
Your Ref: P3P99022US  
Our File: 087711-000000US

Dear Mr. Ino:

Mr. LeMond, who in the past handled the above-referenced U.S. patent application, left our firm last year. As a result, I have taken over responsibility for handling this application.

At the moment I am uncertain whether the client intended to abandon this application. I see no such correspondence from you, but have noted entries to that effect in our docketing system. Why these entries were made I cannot tell.

Please let me know if this application was to be abandoned and, if so, how this was communicated to our office.

I regret the confusion on our part and thank you in advance for helping me clarify it.

Best regards,

J. Georg Seka  
(email: jgs@townsend.com)  
(direct dial: 415/273-4730)

JGS:jhw  
60984676 v1





# ONDA TECHNO Intl. Patent Attys.

**PATENTS, DESIGNS, TRADEMARKS & COPYRIGHTS**  
 12-1, OMIYA-CHO 2-CHOME, GIFU CITY, 500-8731 JAPAN  
 TEL: 81-58-265-9124  
 FAX: 81-58-266-8069  
 E-MAIL: intldep@ondatechno.co.jp

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H. FUKUI	*	N. YASHIRO	*	K. SATO	-	M. TAKABATAKE	-
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M. KUWAGAKI	*	A. HONDA	*	T. NAKATSURU	-	K. DOI	-
Y. NAKASHIMA	*	T. NAKAJIMA	*	M. IKEGAMI	-	M. TANIGUCHI	-
N. SAHASHI	*	T. ISHIDO	*	Y. MIZUTANI	-	T. TAGUCHI	-
J. KODERA	*	K. TSURU	*	C. SAKAMOTO	-	M. TOMIDA	-
H. MATSUDA	*	B. FURRER	**	Y. SAJIKI	-	S. YAMADA	-
M. MASAKI	*	K. NEGISHI	-	F. SUZUKI	-	K. ASANO	-

\* PATENT ATTORNEY \*\* U.S. PATENT ATTORNEY - PATENT ENGINEER

February 20, 2007  
 Via Facsimile  
 Confirmation by Mail

Mr. J. Georg Seka  
 TOWNSEND AND TOWNSEND AND CREW LLP  
 Two Embarcadero Center,  
 8th Floor,  
 San Francisco,  
 CA 94111-3834  
 U.S.A.

Re: Y/R: 087711-0 O/R: P3P99022US  
 U.S. Patent Application No.09/403,894  
 filed on October 26, 1999  
 "METHOD AND APPARATUS FOR MANUFACTURING CARBON FIBER  
 COILS"  
 -CMC TECHNOLOGY DEVELOPMENT CO., LTD. et al.-

Dear Mr. Seka:

Thank you for your letter dated February 15, 2007  
 regarding the above-identified case.

First of all, our clients do not intend to abandon this  
 case. The last letter which we received from Mr. LeMond was  
 dated January 16, 2004 enclosing the notice of recorded  
 assignments. We would like you to send the document if  
 anything was issued by the USPTO as soon as possible.

In addition, please confirm that this application is not  
 abandoned. If it is abandoned, let us know the remedy for  
 revival.

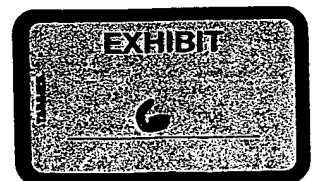
Please confirm your safe receipt of this letter by  
 return facsimile. Thank you for your assistance in this matter.

Very truly yours,

ONDA TECHNO  
 Intl. Patent Attys.

*Kazuhiro Ino*  
 Kazuhito Ino

KI/yk





3/14/07  
2655

March 14, 2007

**Via Facsimile (0012): 011-81-58-266-8069**

ONDA TECHNO Intl. Patent Attys.  
12-1 Omiya-Cho 2-Chome  
Gifu City, Japan 500-8731

Attention: Kazuhito Ino

Re: U.S. Patent Application No. 09/403,894 for:  
METHOD AND APPARATUS  
FOR MANUFACTURING CARBON FIBER COILS  
Your Ref: P3P99022US  
Our File: 087711-000000US

Dear Mr. Ino:

I apologize for the delay in responding to your letter of February 20, 2007, which was caused by health issues on my part.

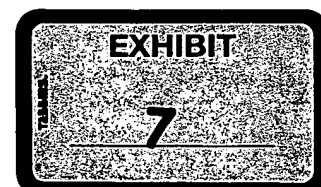
I reviewed the file and, indeed, we caused the abandonment of this application.

We responded to several Office Actions which indicated that amongst others dependent claim 31 is allowable, although this allowability is not entirely clear because the Examiner never directly addressed claim 31 in the body of the Office Action, i.e. the Office Action dated November 12, 2002.

In response to the November 12 Office Action, my former partner, Mr. LeMond, who has since left our firm, attempted to combine claim 26 with dependent claim 31 but omitted to include the intervening claims 27 and 30. This resulted in the subsequent Final Rejection dated April 25, 2003, some correspondence back and forth related to the Final Rejection, an apparent misunderstanding on the part of Mr. LeMond, and a subsequent belief that the application was actually being allowed, which was not the case.

What should have been done at the time the Amendment After Final Rejection was filed (without placing claim 26 in condition for allowance) was to file a Request For Continued Examination (RCE). Since this was not done, the case went abandoned.

We will file a Petition to reinstate the application for unintentional abandonment, and we will of course absorb all costs thereof. With that Petition, we also need to file an RCE and a response to the Final Rejection, which includes an Amendment to combine claim 26 with claim 31 and intervening claims 27 and 30.



Attached is a copy of the Amendment that we plan to file. Please review the proposed amendment to claim 26 and note that we added a new claim 41 to cover material that was deleted from claim 26. If the Amendment is acceptable, please advise us at your early convenience so that we can promptly file the Petition for reinstatement of the application together with the RCE and the Amendment in response to the Final Rejection.

I deeply regret our oversight in this matter, but assure you that we will attend to the case, get it reinstated, and then proceed to place it in condition for allowance.

I thank you in advance for your understanding in this matter.

I look forward to hearing from you.

Best regards,



J. Georg Seka  
(email: jgs@townsend.com)  
(direct dial: 415/273-4730)

JGS:jhw  
Attachment  
61004590 v1

I hereby certify that this correspondence is being mailed to the  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on  
March 13, 2007.

TOWNSEND and TOWNSEND and CREW LLP

PATENT  
Attorney Docket No. 087711-000000US  
Client Ref. No. P3P99022US

By: \_\_\_\_\_

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

SEIJI MOTOJIMA, ET AL.

Application No. 09/403,894

Filed: October 26, 1999

For: METHOD AND APPARATUS FOR  
MANUFACTURING CARBON FIBER  
COILS

Examiner: Stuart L. Hendrickson

Technology Center/Art Unit: 1754

AMENDMENT

San Francisco, CA 94111  
March 13, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Amendment accompanies a Request for Continued Examination. Applicants respectfully request that the Amendment dated September 25, 2003 not be entered.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

**Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:**

Claims 1-18 (Canceled)

Claim 19 (Previously Presented): A method of manufacturing carbon fiber coils comprising:

placing a solid catalyst within a reaction chamber;

supplying stock gas and a catalytic gas to the reaction chamber;

applying voltage to the solid catalyst to charge the solid catalyst; and

heating the interior of the chamber to grow carbon fiber coils from the stock gas, wherein an exterior of the reaction chamber is substantially free of a magnetic field during the heating.

Claims 20-23 (Canceled)

Claim 24 (Previously Presented): The method according to claim 19, wherein the voltage is a DC voltage and the solid catalyst is negatively charged.

Claim 25 (Previously Presented): The method according to claim 19, wherein the interior of the chamber is heated to a temperature in the range of 700 to 830 degrees Centigrade.

Claim 26 (Currently Amended): An apparatus for manufacturing carbon fiber coils from a stock gas, which is subjected to thermal decomposition to generate solid carbon, and a catalytic gas, which promotes thermal decomposition of the stock gas, the apparatus comprising:

a reaction chamber, to which the stock gas and the catalytic gas are supplied through a port;

a solid catalyst located within the reaction chamber;



a power source, which is external to the reaction chamber, for applying voltage to the solid catalyst; [[and]]

a heating device for heating the interior of the reaction chamber to grow carbon fiber coils from the stock gas, wherein the heating device produces substantially no magnetic field in the reaction chamber;

wherein the solid catalyst faces an outlet of the port and is spaced from the outlet by a distance, and the stock gas is supplied to the reaction chamber at a certain velocity, wherein the ratio of the velocity of the stock gas to the distance is in a range of 10 to 10000, wherein the velocity is expressed in centimeters per minute and the distance is expressed in centimeters;

wherein the catalytic gas contains a gas having elements of the fifteenth and sixteenth groups in the periodic table; and

wherein the catalytic gas contains at least one of a sulfur compound [[and]] or a phosphorus compound, ~~and the sulfur compound and phosphorus compound include thiophene, hydrogen sulfide, methylmercaptan, and phosphorus trichloride.~~

Claim 27 (Canceled)

Claim 28 (Currently Amended): The apparatus according to claim [[27]] 26, wherein the stock gas contains one of acetylene, methane, and propane.

Claim 29 (Previously Presented): The apparatus according to claim 28, wherein the catalyst contains microcrystalline nickel.

Claims 30-31 (Canceled)

Claim 32 (Previously Presented): The apparatus according to claim 26, wherein the reaction chamber is heated to a temperature in the range of 700 to 830 degrees Centigrade.

Claims 33-35 (Canceled)

Claim 36 (Currently Amended): The apparatus according to claim [[35]] 26, wherein the power source is a DC power source for negatively charging the solid catalyst.

Claims 37-40 (Canceled)

Claim 41 (New): The apparatus according to claim 26, wherein the at least one sulfur compound or phosphorous compound comprises one of thiophene, hydrogen sulfide, methylmercaptan, and phosphorous trichloride.

REMARKS/ARGUMENTS

Claims 19, 24-26, 28, 29, 32, 36, and 41 are pending. Claims 27 and 30 have been canceled. Claim 41 has been added. Claims 26, 28, and 36 have been amended.

The final Office Action mailed April 25, 2003 allows claims 19, 24, and 25. Claims 26-30, 32, and 36 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Applicants have amended claim 26 to further clarify the claim and to incorporate all the features of claims 27 and 30. New claim 41 has been added to set forth subject matter deleted from claim 26. Claims 28 and 36 have been amended to correct their dependencies. No new matter has been added. The Examiner's rejection is respectfully traversed.

The prior Office Action mailed November 12, 2002 indicated that claim 31 contained allowable subject matter (please note that claim 31 had been previously amended on July 24, 2001). Applicants have now incorporated claim 31, including the verbatim language from intervening claims 27 and 30, into independent claim 26. Applicants have made only minor changes in the claim language formerly contained within claim 31 so as to obviate the §112, second paragraph rejection.

In particular, the Examiner stated that claim 26 is unclear because "the listed gases do not contain S and P; the claims now require one gas which contains both of these elements" (final Office Action, p. 2, lines 6-7). Claim 26 now sets forth that "the catalytic gas contains at least one of a sulfur compound or a phosphorous compound." Moreover, applicants have removed the list of compounds containing sulfur or phosphorous to new claim 41 so as to clarify the scope of claim 26. Therefore, applicants submit that the §112, second paragraph rejection is obviated.

In line with the Examiner's prior comments (see final Office Action, p. 2, lines 8-10), independent claim 26 remains patentable over Foster because that reference still does not show or suggest applicants' combination of features, particularly, applicants' requirement for the catalytic gas to contain at least one of a sulfur or phosphorous compound.

In view of the foregoing, applicants submit that the §112, second paragraph rejection is obviated and that independent claim 26 is patentable over Foster. Claims 27-30, 32, and 36 are patentable at least because they depend from claim 26.

**CONCLUSION**

In view of the foregoing, applicants submit that this application is in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

Patrick J. Zhang  
Reg. No. 52,394

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
P2Z  
61001805 v1



# ONDA TECHNO Intl. Patent Attys.

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E-MAIL: intldep@ondatechno.co.jp

*JS*

M. ONDA	T. KIMURA	K. HATTORI	K. INO
H. ONDA	T. SAKAMOTO	N. UENO	H. TSUJI
H. FUKUI	N. YASHIRO	K. SATO	M. TAKABATAKE
T. KOBAYASHI	J. MURAI	A. YAMADA	A. KOMATSU
M. KUWAGAKI	A. HONDA	T. NAKATSURU	K. DOI
Y. NAKASHIMA	T. NAKAJIMA	M. IKEGAMI	M. TANIGUCHI
N. SAHASHI	T. ISHIDO	Y. MIZUTANI	T. TAGUCHI
J. KODERA	K. TSURU	C. SAKAMOTO	M. TOMIDA
H. MATSUDA	B. FURRER	Y. SAIKI	S. YAMADA
M. MASAKI	K. NEGISHI	F. SUZUKI	K. ASANO

\* PATENT ATTORNEY \*\* U.S. PATENT ATTORNEY - PATENT ENGINEER

March 16, 2007  
Via Facsimile  
Confirmation by Mail

Mr. J. George SEKA  
TOWNSEND AND TOWNSEND AND CREW LLP  
Two Embarcadero Center,  
8th Floor,  
San Francisco,  
CA 94111-3834  
U.S.A.

Re: Y/R: 087711-000000US O/R: P3P99022US  
U.S. Patent Application No.09/403,894  
filed on October 26, 1999  
"METHOD AND APPARATUS FOR MANUFACTURING CARBON FIBER  
COILS"  
-CMC TECHNOLOGY DEVELOPMENT CO., LTD. et al.-

Dear Mr. Seka:

Thank you for your letter dated March 14, 2007 regarding the above-identified case.

We agree with your draft amendment. Please file the Petition for reinstatement of the application together with the RCE and the Amendment as soon as possible.

In addition, for our docketing, please send us the Notice of Abandonment and other documents which have not been sent to us, if any.

Kindly confirm your safe receipt of this letter by return facsimile. Thank you for your assistance in this matter.

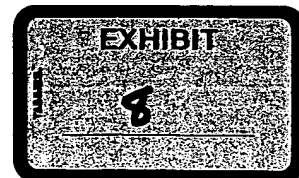
Very truly yours,

ONDA TECHNO  
Intl. Patent Attys.

*K. Ino*  
Kazuhito Ino

KI/yk

*Abandoned*  
*13*



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
087711-000000US

First named inventor: SEIJI MOTOJIMA

Application No.: 09/403,894

Art Unit: 1754

Filed: October 26, 1999

Examiner: Stuart L. Hendrickson

Title: METHOD AND APPARATUS FOR MANUFACTURING CARBON FIBER COILS

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee — required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- ☐ Small entity — fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity — fee \$ 1,500 (37 CFR 1.17(m))

**2. Reply and/or fee**

- A. The reply and/or fee to the above-noted Office action in the form of an RCE and an Amendment (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ are enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

EXHIBIT

I

## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. ☒ For fees authorized to be paid hereinabove, the Commissioner is hereby authorized to charge the fees, any deficiency of fees, and credit of any overpayments, to Deposit Account No. 20-1430.
5. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
Signature

March 19, 2007  
Date

J. Georg Seka, Townsend and Townsend and Crew  
Typed or printed name

24,491  
Registration Number, if applicable

Two Embarcadero Center, 8th Floor  
Address

415/576-0200  
Telephone Number

San Francisco, CA 94111  
Address

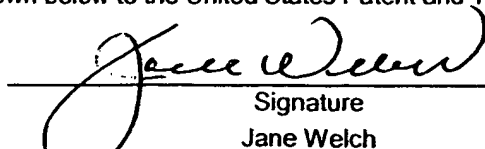
- Enclosures: ☐ Fee Payment
- ☒ RCE and Amendment
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

March 19, 2007  
Date

  
Signature  
Jane Welch  
Typed or printed name of person signing certificate

# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/403,894
Filing Date	October 26, 1999
First Named Inventor	Motojima, Seiji
Art Unit	1754
Examiner Name	Stuart L. Hendrickson
Attorney Docket Number	087711-000000US

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

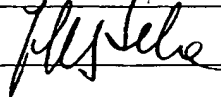
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 20-1430. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e) \$ 790
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) \$ \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_ \$ \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed) for \$ \_\_\_\_\_

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	March 19, 2007
Name (Print /Type)	J. Georg Seka	Registration No.	24,491

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	March 19, 2007
Name (Print /Type)	Jane Welch		



I hereby certify that this correspondence is being mailed to the  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on  
March 19, 2007.

**PATENT**  
Attorney Docket No. 087711-000000US  
Client Ref. No. P3P99022US

TOWNSEND and TOWNSEND and CREW LLP

By: 

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

SEIJI MOTOJIMA, ET AL.

Application No. 09/403,894

Filed: October 26, 1999

For: METHOD AND APPARATUS FOR  
MANUFACTURING CARBON FIBER  
COILS

Examiner: Stuart L. Hendrickson

Technology Center/Art Unit: 1754

AMENDMENT

San Francisco, CA 94111  
March 19, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Amendment accompanies a Request for Continued Examination. Applicants respectfully request that the Amendment dated September 25, 2003 not be entered.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

**Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:**

Claims 1-18 (Canceled)

Claim 19 (Previously Presented): A method of manufacturing carbon fiber coils comprising:

placing a solid catalyst within a reaction chamber;

supplying stock gas and a catalytic gas to the reaction chamber;

applying voltage to the solid catalyst to charge the solid catalyst; and

heating the interior of the chamber to grow carbon fiber coils from the stock gas,

wherein an exterior of the reaction chamber is substantially free of a magnetic field during the heating.

Claims 20-23 (Canceled)

Claim 24 (Previously Presented): The method according to claim 19, wherein the voltage is a DC voltage and the solid catalyst is negatively charged.

Claim 25 (Previously Presented): The method according to claim 19, wherein the interior of the chamber is heated to a temperature in the range of 700 to 830 degrees Centigrade.

Claim 26 (Currently Amended): An apparatus for manufacturing carbon fiber coils from a stock gas, which is subjected to thermal decomposition to generate solid carbon, and a catalytic gas, which promotes thermal decomposition of the stock gas, the apparatus comprising:

a reaction chamber, to which the stock gas and the catalytic gas are supplied through a port;

a solid catalyst located within the reaction chamber;

a power source, which is external to the reaction chamber, for applying voltage to the solid catalyst; [[and]]

a heating device for heating the interior of the reaction chamber to grow carbon fiber coils from the stock gas, wherein the heating device produces substantially no magnetic field in the reaction chamber;

wherein the solid catalyst faces an outlet of the port and is spaced from the outlet by a distance, and the stock gas is supplied to the reaction chamber at a certain velocity, wherein the ratio of the velocity of the stock gas to the distance is in a range of 10 to 10000, wherein the velocity is expressed in centimeters per minute and the distance is expressed in centimeters;

wherein the catalytic gas contains a gas having elements of the fifteenth and sixteenth groups in the periodic table; and

wherein the catalytic gas contains at least one of a sulfur compound [[and]] or a phosphorus compound, ~~and the sulfur compound and phosphorus compound include thiophene, hydrogen sulfide, methylmercaptan, and phosphorus trichloride.~~

Claim 27 (Canceled)

Claim 28 (Currently Amended): The apparatus according to claim [[27]] 26, wherein the stock gas contains one of acetylene, methane, and propane.

Claim 29 (Previously Presented): The apparatus according to claim 28, wherein the catalyst contains microcrystalline nickel.

Claims 30-31 (Canceled)

Claim 32 (Previously Presented): The apparatus according to claim 26, wherein the reaction chamber is heated to a temperature in the range of 700 to 830 degrees Centigrade.

Claims 33-35 (Canceled)

Claim 36 (Currently Amended): The apparatus according to claim [[35]] 26, wherein the power source is a DC power source for negatively charging the solid catalyst.

Claims 37-40 (Canceled)

Claim 41 (New): The apparatus according to claim 26, wherein the at least one sulfur compound or phosphorous compound comprises one of thiophene, hydrogen sulfide, methylmercaptan, and phosphorous trichloride.

REMARKS/ARGUMENTS

Claims 19, 24-26, 28, 29, 32, 36, and 41 are pending. Claims 27 and 30 have been canceled. Claim 41 has been added. Claims 26, 28, and 36 have been amended.

The final Office Action mailed April 25, 2003 allows claims 19, 24, and 25. Claims 26-30, 32, and 36 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Applicants have amended claim 26 to further clarify the claim and to incorporate all the features of claims 27 and 30. New claim 41 has been added to set forth subject matter deleted from claim 26. Claims 28 and 36 have been amended to correct their dependencies. No new matter has been added. The Examiner's rejection is respectfully traversed.

The prior Office Action mailed November 12, 2002 indicated that claim 31 contained allowable subject matter (please note that claim 31 had been previously amended on July 24, 2001). Applicants have now incorporated claim 31, including the verbatim language from intervening claims 27 and 30, into independent claim 26. Applicants have made only minor changes in the claim language formerly contained within claim 31 so as to obviate the §112, second paragraph rejection.

In particular, the Examiner stated that claim 26 is unclear because "the listed gases do not contain S and P; the claims now require one gas which contains both of these elements" (final Office Action, p. 2, lines 6-7). Claim 26 now sets forth that "the catalytic gas contains at least one of a sulfur compound or a phosphorous compound." Moreover, applicants have removed the list of compounds containing sulfur or phosphorous to new claim 41 so as to clarify the scope of claim 26. Therefore, applicants submit that the §112, second paragraph rejection is obviated.


In line with the Examiner's prior comments (see final Office Action, p. 2, lines 8-10), independent claim 26 remains patentable over Foster because that reference still does not show or suggest applicants' combination of features, particularly, applicants' requirement for the catalytic gas to contain at least one of a sulfur or phosphorous compound.

In view of the foregoing, applicants submit that the §112, second paragraph rejection is obviated and that independent claim 26 is patentable over Foster. Claims 27-30, 32, and 36 are patentable at least because they depend from claim 26.

CONCLUSION

In view of the foregoing, applicants submit that this application is in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

  
J. George Seka  
Reg. No. 24,491

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
P2Z  
61001805 v1

March 23, 2007

ONDA TECHNO Intl. Patent Attys.  
12-1 Omiya-Cho 2-Chome  
Gifu City, Japan 500-8731

Attention: Kazuhito Ino

Re: U.S. Patent Application No. 09/403,894 for:  
METHOD AND APPARATUS  
FOR MANUFACTURING CARBON FIBER COILS  
Your Ref: P3P99022US  
Our File: 087711-000000US

Dear Mr. Ino:

Thank you for your letter of March 16, 2007.

I confirm that we have filed the Petition for Revival of an Unintentionally Abandoned Patent Application and the Amendment which I forwarded to you with my letter of March 14, 2007. I made no further changes to the Amendment.

Enclosed are copies of the Petition, the Amendment, and the required Request for Continued Examination (RCE).


Also enclosed are a copy of an Advisory Action dated November 25, 2003, which I believe you have not received, and a Notice of Abandonment dated January 25, 2007 to complete your records concerning this matter.

Our debit note for filing the RCE with the Amendment will follow later. There will be no charges for petitioning to revive the application and for extensions of time.

I again sincerely regret this oversight on our part and I will do everything in my power to rectify the situation and, hopefully, get this application allowed in the near future.

I will keep you posted as to all further developments.

Best regards,

  
J. Georg Seka  
(email: jgs@townsend.com)  
(direct dial: 415/273-4730)

JGS:jhw  
Enclosures  
61008346 v1



**DIAMS**

File Main Menu Reports Utilities Research Windows Help

**DIAMS - Patent Management (View only) - Docket Edit**

Docket ID: 087711-000000US	Short Title: Method and Apparatus for Manufacturing Carbon Fiber Coils	Other Party
Client/Business Units: Onda Techno Int'l. Patent Attys. (087711)	Applicants:	
Attorneys:	Cost Centers:	
Related Matters: PA (1)	Inventors: Motojima Seiji, Ido Katsutomi, Niwa Teisuke	Laboratories:

Invention | Disclosure | Disclosure 2 | Prior Art | Names | Patent Details | Additional Information | Docketing

Phase <input type="radio"/> NYF <input type="radio"/> Pending <input type="radio"/> Grant <input checked="" type="radio"/> All	<input checked="" type="checkbox"/> Events <input checked="" type="checkbox"/> To Do <input checked="" type="checkbox"/> Done	Subphase 1 of 1	From	To			
Docketed	Action/Event	Recorded No	Reminder	Due	Done	Source	Resp Party
01-Nov-1999	Date Created			01-Nov-1999			
21-Aug-2001	Information Disclosure Statement Deadline			26-Jan-2000	07-Aug-2000	KTL	
09-Oct-2001	Response to Office Action (Final Deadline)			06-Sep-2001	24-Jul-2001	KTL	
09-Oct-2001	Response to Office Action (1st Extension)			06-Jul-2001	24-Jul-2001	KTL	
09-Oct-2001	Response to Office Action			06-Jun-2001	24-Jul-2001	KTL	
09-Oct-2001	Response to Office Action (2nd Extension)			06-Aug-2001	24-Jul-2001	KTL	
29-Mar-2002	Response to Final Office Action due (1st D)			26-Dec-2001	28-Jan-2002	KTL	
29-Mar-2002	Notice of Appeal			26-Dec-2001	26-Sep-2001	KTL	*
29-Mar-2002	Response to Final Office Action (1st Extens)			26-Jan-2002	28-Jan-2002	KTL	
29-Mar-2002	Response to Office Action (2nd Extension)			26-Feb-2002	28-Jan-2002	KTL	
29-Mar-2002	3 MO EXT/ABAND-USP-FINAL			26-Mar-2002	28-Jan-2002	KTL	
29-Mar-2002	3 MO EXT/ABAND-USP-NOTICE APL			26-Mar-2002	26-Sep-2001	KTL	*

Created 01-Nov-1999

Updated 09-Jan-2008 T2H

EXHIBIT

J



## DIAMS

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## DIAMS - Patent Management (View only) - Docket Edit

Docket ID	Short Title	Other Party
087711-000000US	Method and Apparatus for Manufacturing Carbon Fiber Coils	
	Client/Business Units	Applicants
	Onda Techno Int'l. Patent Attys. (087711)	
	Attorneys	Cost Centers
Related Matters	Inventors	Laboratories
PA (1)	Motojima Seiji, Ido Katsutomi, Niwa Teisuke	

Invention Disclosure Disclosure 2 Prior Art Names Patent Details Additional Information Docketing

Phase	<input checked="" type="radio"/> NYF <input type="radio"/> Pending <input type="radio"/> Grant <input checked="" type="radio"/> All	<input checked="" type="checkbox"/> Events <input checked="" type="checkbox"/> To Do <input checked="" type="checkbox"/> Done	Subphase	From	To		
			1 of 1				
Docketed	Action / Event	Recorded No	Reminder	Due	Done	Source	Resp Party
29-Mar-2002	2 MO EXT-USP-NOTICE APL			26-Feb-2002	26-Sep-2001	KTL	*
29-Mar-2002	1 MO EXT-USP-NOTICE APL			26-Jan-2002	26-Sep-2001	KTL	*
11-Aug-2002	Response to Office Action (Final Deadline)			16-Oct-2002	09-Aug-2002	KTL	
11-Aug-2002	Response to Office Action (1st Extension)			16-Aug-2002	09-Aug-2002	KTL	
11-Aug-2002	Response to Office Action			16-Jul-2002	09-Aug-2002	KTL	
11-Aug-2002	Response to Office Action (2nd Extension)			16-Sep-2002	09-Aug-2002	KTL	
31-Oct-2002	Application Date	09/403894			26-Oct-1999	KTL	
31-Oct-2002	Application Mailing Date (Pat)				26-Oct-1999	KTL	
18-Nov-2002	3rd Office Action (3 mo.)				12-Nov-2002		
18-Nov-2002	Response-3rd Office Action			12-Feb-2003	12-Mar-2003	KTL	
30-Apr-2003	2nd Final Office Action				25-Apr-2003		
30-Apr-2003	Response-2nd Final Office Action			25-Jul-2003	25-Sep-2003	KTL	
Recalculate New Sub-phase Del Sub-phase							

Created 01-Nov-1999

Updated 09-Jan-2006 T2H

## DIAMS

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## DIAMS - Patent Management (View only) - Docket Edit

Docket ID	Short Title	Other Party
087711-000000US	Method and Apparatus for Manufacturing Carbon Fiber Coils	
	Client/Business Units	Applicants
	Onda Techno Int'l. Patent Attys. (087711)	
	Attorneys	Cost Centers
Related Matters	Inventors	Laboratories
PA (1)	Motojima Seiji, Ido Katsutomi, Niwa Teisuke	

Invention | Disclosure | Disclosure 2 | Prior Art | Names | Patent Details | Additional Information | Docketing

Phase	<input type="radio"/> NYF <input type="radio"/> Pending <input type="radio"/> Grant <input checked="" type="radio"/> All	<input checked="" type="checkbox"/> Events <input checked="" type="checkbox"/> To Do <input checked="" type="checkbox"/> Done	Subphase	From	To
			1 of 1		
Docketed	Action/Event	Recorded No. Reminder	Due	Done	Source Resp Party
30-Apr-2003	2nd Notice of Appeal		25-Jul-2003	19-Mar-2007	KTL *
29-Sep-2003	Status Check		25-Sep-2004	17-Jun-2004	KTL *
22-Jun-2004	Notice of Abandonment Rec'd			22-Jun-2004	*
31-Jan-2007	Notice of Abandonment Rec'd			25-Jan-2007	*
31-Jan-2007	Check Abandoned Status		25-Mar-2007	19-Mar-2007	JGS *
02-Apr-2007	RCE Filed			19-Mar-2007	
02-Apr-2007	Check PAIR- No PTO Action 6 Mos. After Re		19-Sep-2007		KLF
24-Apr-2007	Petition			19-Mar-2007	*
24-Apr-2007	Status Check		19-Jun-2007		JGS *

Recalculate New Sub-phase Del Sub-phase

Created 01-Nov-1999

Updated 09-Jan-2008 T2H

## Docketing Module - Edit Date

Bound to Phase:

Predefined Action / Event:

Response-2nd Non-Responsive Amend. (3rd Ext.)  
 Response-2nd Non-Responsive Amend. (4th Ext.)  
 Response-2nd Non-Responsive Amend. (Final)  
 Response-Request for Reconsideration of Termin  
 Restoration  
**Status Check**

or Action To Do:

Due date

25-Sep-2004

Done / Recorded date

17-Jun-2004

Recorded No.

Reminder date

Source

Responsible Party

\* Notes

06/22/04); Advisory Action 11/25/03 (received  
 12/1/03)

OK

Cancel

Created 29-Sep-2003 MS Updated 22-Jun-2004 J2E

Docket ID

087711-000000US

Related Matters

PA (1)

Invention

Disclosure

Phase

NYF

Pe

Docketed Action /

11-Aug-2002 Respon

11-Aug-2002 Respon

11-Aug-2002 Respon

11-Aug-2002 Respon

18-Nov-2002 3rd Off

18-Nov-2002 Respon

30-Apr-2003 2nd Final Office Action

30-Apr-2003 Response-2nd Final Office Action

29-Sep-2003 Status Check

22-Jun-2004 Notice of Abandonment Rec'd

31-Jan-2007 Notice of Abandonment Rec'd

30-Apr-2003 2nd Notice of Appeal

Carbon Fiber Coils

Other Party

Applicants

Cost Centers

Laboratories

Additional Information Docketing

Subphase

From

To

1 of 1

der

Due

Done

Source

Resp Party

16-Oct-2002

09-Aug-2002

KTL

16-Aug-2002

09-Aug-2002

KTL

16-Jul-2002

09-Aug-2002

KTL

16-Sep-2002

09-Aug-2002

KTL

12-Nov-2002

12-Feb-2003

12-Mar-2003

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25-Apr-2003

25-Jul-2003

25-Sep-2003

KTL

25-Sep-2004

17-Jun-2004

KTL

22-Jun-2004

25-Jan-2007

25-Jul-2003

19-Mar-2007

KTL

Recalculate

New Sub-phase

Del Sub-phase

Created 01-Nov-1999

Updated 09-Jan-2008 T2H

13-M

Form View

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DIAMS

Actions Me

USDocketD

Technolog

Workflow

EXHIBIT

K